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RESOLUTION 859 (1993)

Adopted by the Security Council at its 3269th meeting,
on 24 August 1993

The Security Council,

Recalling all its previous resolutions on the conflict in the Republic of Bosnia and Herzegovina,

Reaffirming the sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina and the responsibility of the Security Council in this regard,

Reaffirming further that the Republic of Bosnia and Herzegovina, as a State Member of the United Nations, enjoys the rights provided for in the Charter of the United Nations,

Noting that the Republic of Bosnia and Herzegovina has continued to be subject to armed hostilities in contravention of Security Council resolution 713 (1991) and other relevant Security Council resolutions and that, despite all efforts by the United Nations as well as regional organizations and arrangements, there is still no compliance with all relevant Security Council resolutions, in particular by the Bosnian Serb party,

Condemning once again all war crimes and other violation of international humanitarian law, by whomsoever committed, Bosnian Serbs or other individuals,

Deeply concerned at the deterioration of humanitarian conditions in the Republic of Bosnia and Herzegovina, including in and around Mostar, and determined to support in every possible way the efforts by the United Nations Protection Force (UNPROFOR) and the United Nations High Commissioner for Refugees (UNHCR) to continue providing humanitarian assistance to civilian populations in need,

Concerned about the continuing siege of Sarajevo, Mostar and other threatened cities,

Strongly condemning the disruption of public utilities (including water, electricity, fuel and communications), in particular by the Bosnian Serb party, and calling upon all parties concerned to cooperate in restoring them,

Recalling the principles for a political solution adopted by the London International Conference on the Former Yugoslavia,

Reaffirming once again the unacceptability of the acquisition of territory through the use of force and the practice of "ethnic cleansing",

Stressing that an end to the hostilities in the Republic of Bosnia and Herzegovina is necessary to achieve meaningful progress in the peace process,

Mindful of its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security,

Taking into account the reports of the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia contained in documents S/26233, S/26260 and S/26337,

Determining that the grave situation in the Republic of Bosnia and Herzegovina continues to be a threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. Notes with appreciation the report by the Secretary-General's Special Representative on the latest developments at the Geneva peace talks and urges the parties, in cooperation with the Co-Chairmen, to conclude as soon as possible a just and comprehensive political settlement freely agreed by all of them;

2. Calls for an immediate cease-fire and cessation of hostilities throughout the Republic of Bosnia and Herzegovina as essential for achieving a just and equitable political solution to the conflict in Bosnia and Herzegovina through peaceful negotiations;

3. Demands that all concerned facilitate the unhindered flow of humanitarian assistance, including the provision of food, water, electricity, fuel and communications, in particular to the "safe areas" in Bosnia and Herzegovina;

4. Demands also that the safety and operational effectiveness of UNPROFOR and UNHCR personnel in Bosnia and Herzegovina be fully respected by all parties at all times;

5. Notes with appreciation the Secretary-General's letter of 18 August 1993 (S/26335) stating that the United Nations has now the initial operation capability for the use of air power in support of UNPROFOR in Bosnia and Herzegovina;

6. Affirms that a solution to the conflict in the Republic of Bosnia and Herzegovina must be in conformity with the Charter of the United Nations and the principles of international law; and further affirms the continuing relevance in this context of:

(a) The sovereignty, territorial integrity and political independence of the Republic of Bosnia and Herzegovina;

(b) The fact that neither a change in the name of the State nor changes regarding the internal organization of the State such as those contained in the constitutional agreement annexed to the Co-Chairmen's report in document S/26337 would affect the continued membership of Bosnia and Herzegovina in the United Nations;

(c) The principles adopted by the London International Conference on the Former Yugoslavia, including the need for a cessation of hostilities, the principle of a negotiated solution freely arrived at, the unacceptability of the acquisition of territory by force or by "ethnic cleansing" and the right of refugees and others who have suffered losses to compensation in accordance with the statement on Bosnia adopted by the London Conference;

(d) Recognition and respect for the right of all displaced persons to return in their homes in safety and honour;

(e) The maintenance of Sarajevo, capital of Bosnia and Herzegovina, as a united city and a multicultural, multi-ethnic and pluri-religious centre;

7. Recalls the principle of individual responsibility for the perpetration of war crimes and other violations of international humanitarian law and its decision in resolution 827 (1993) to establish an International Tribunal;

8. Declares its readiness to consider taking the necessary measures to assist the parties in the effective implementation of a fair and equitable settlement once it has been freely agreed by the parties, which would require a decision by the Council;

9. Decides to remain actively seized of the matter.

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